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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,202	07/18/2001	Paul Scheurer	434100.9	1344

27162 7590 02/12/2003

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/831,202

Applicant(s)

SCHEURER, PAUL

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Applicant's election without traverse of species I, figs. 1-3 in Paper No. 9 is acknowledged.

Claims 11-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9. Contrary to applicant's remarks, claims 11-19 do not read on the elected species.

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It was not executed in accordance with either 37 CFR 1.66 or 1.68 (the date of execution is missing).

The disclosure is objected to because of the following informalities: appropriate headings are missing. Appropriate correction is required.

It is suggested that applicant provide legible copies and English language equivalents of the references cited on pages 1-3.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that —of—should be inserted after "plane" (claim 5, line 1), that —belt—should be inserted after "conveyor" (claim 20, line 6).

The following appear to lack sufficient antecedent basis (in the claim): "the face sides" (claims 1, 5), "the same distance" (claims 1, 5), "the zone of the receiver" (claim 2), "the rotating process" (claim 3), "the zone of displacement" (claim 5), "the face side" and "the distance" (claim 8).

In claim 4, how can the rolls be rotated in a plane as recited in claim 1 when they are lifted for the rotating process?

All terms such as "it", "its", "they", "their", "them", etc., should be clarified. For instance, see claim(s) 1-10

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz (US 4708300).

Applicant's admitted prior art is discussed on pages 1-3 of the specification discloses substantially all the claimed features (it is suggested that applicant provide legible copies and English language equivalents of the references cited on pages 1-3). Goetz discloses another similar apparatus in which rotating means 64 and 72 are provided to rotate the rolls into the desired orientation. It would have been obvious to a person having ordinary skill in the art to provide the admitted prior art apparatus with rotating means as taught by Goetz to rotate the rolls into the desired orientation.

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Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz as applied to claims 1-3 above, and further in view of Lindstaedt (US 3695539).

Lindstaedt discloses another similar apparatus in which the rolls/laps are lifted for the rotating process. It would have been obvious to a person having ordinary skill in the art to alternatively lift the rolls of the admitted prior art apparatus for the rotating process as taught by Lindstaedt.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Goetz as applied to claims 1-3 above, and further in view of Boehm (US 2735538).

Boehm discloses a rotating apparatus for moving rolls and having two receivers facing in the opposite direction; it would have been obvious to a person having ordinary skill in the art that the inclined ramp 62 would not be needed if the rolls being delivered to the apparatus were at the same level as the apparatus. The lifting device 78 of Goetz should be noted. The limitations of claims 8 and 9 are deemed inherent since all the structures are met. The non-slip layer is deemed inherent since the rolls clearly do not slip from the apparatus.

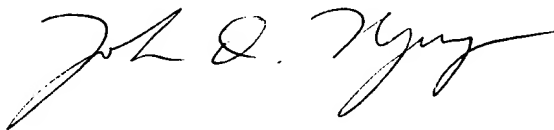
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-

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2689. The examiner can normally be reached on Monday-Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before Final) and (703) 872-9327 (after Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with the first name "John" and last name "Nguyen" clearly distinguishable.

John Q. Nguyen  
Primary Examiner  
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